IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

CRA No.64/2006

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. : Court's or Judge's orders

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CORAM : A.P.Lavande, J.
DATED :10th August 2006

Heard Ms. Chokhare, Advocate for the applicants.

This revision is directed against order dated 2/1/2006 passed by Additional District Judge, Washim in MJC No.42/2004 dismissing an application for condonation of delay in the appeal against judgment and decree passed by Civil Judge, Jr. Dn. Risod in Regular Civil Suit No.22/1993. Regarding maintainability of the revision application, learned counsel relied upon judgment of Supreme Court reported in AIR 1964 Supreme Court 1336 (Manindra Land and Building Corporation Ltd., Vs. Bhutnath Banerjee and others). In my opinion, the said judgment does not come to the rescue

of the applicants. In view of amendment to proviso to Section 115 of Code of Civil procedure by Code of Civil Procedure (Amendment)Act, 1999 and more particularly, in view of proviso to Section 115 of Code of Civil Procedure which has been introduced by way of said amendment, this revision application is not maintainable. Hence, revision is dismissed. However, dismissal of revision application will not preclude the applicant from filing appropriate proceedings against impugned order, if the same are maintainable in law.

JUDGE

A.